

1 KEKER & VAN NEST LLP
ROBERT A. VAN NEST - #84065
2 Email:rvannest@kvn.com
MICHAEL D. CELIO - #197998
3 Email:mcelio@kvn.com
633 Battery Street
4 San Francisco, CA 94111
Telephone: (415) 391-5400
5 Facsimile: (415) 397-7188

6 Attorneys for Defendants
INTUITIVE SURGICAL, INC., BENJAMIN GONG, ALEKS
7 CUKIC, JEROME MCNAMARA, GARY GUTHART,
MARHSALL MOHR, AND LONNIE SMITH,
8

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 POLICE RETIREMENT SYSTEM OF ST.
LOUIS, individually and on behalf of all
14 others similarly situated,

15 Plaintiffs,
16

17 v.

18 INTUITIVE SURGICAL, INC., BENJAMIN
GONG, ALEKS CUKIC, JEROME
19 MCNAMARA, GARY GUTHART,
MARHSALL MOHR, AND LONNIE
20 SMITH,

21 Defendants.
22

Case No. CV-10-03451

**STIPULATION RE DATE OF ORAL
ARGUMENT ON MOTION TO DISMISS
AMENDED COMPLAINT AND
[PROPOSED] ORDER**

23 **WHEREAS**, Defendants filed a Motion to Dismiss the Amended Class Action
24 Complaint on October 13, 2011; and

25 **WHEREAS**, briefing has been completed and oral argument on that Motion is currently
26 set for January 26, 2012, along with a Case Management Conference; and

27 **WHEREAS**, counsel for Defendants, Michael Celio, is also trial counsel in *Hilda L.*
28 *Solis, Secretary of Labor, United States Dept. of Labor v. Jasmine Hall Care Homes, et al.*, Case

No. 2:05-cv-01306-GEB KJM, pending before the Hon. Garland Burrell in the Eastern District of California in Sacramento (as set forth in the accompanying Declaration of Michael D. Celio); and

WHEREAS, based on discussions between counsel in the *Solis v. Jasmine Hall* matter, it now appears certain that trial will extend past January 26, 2012 making it impossible for Defendants' counsel to be present both at the *Solis* trial and before this Court; and

WHEREAS, a brief, two or three week extension would ensure that counsel for Defendants could appear; and

WHEREAS, counsel have met and conferred on available dates, and Defendants' counsel is available on either February 9 or February 16, 2012; and

WHEREAS, lead counsel for plaintiffs is available on February 9, 2012, and is scheduled to appear before Judge Alsup in San Francisco on February 16, 2012; however, lead counsel for plaintiffs will be able to accommodate if the Court finds February 16, 2012, more convenient;

IT IS THEREFORE STIPULATED THAT:

1. Subject to the Court's approval, oral argument in this matter, as well as the case management conference scheduled for the same date, shall be continued from January 26, 2012 until February 9, 2012 or to February 16, 2012 if that is more convenient for the Court.

Dated: January 11, 2012

KEKER & VAN NEST LLP

By: /s/ Michael D. Celio
MICHAEL D. CELIO
Attorneys for Defendants
INTUITIVE SURGICAL, INC.,
BENJAMIN GONG, ALEKS CUKIC,
JEROME MCNAMARA, GARY
GUTHART, MARHSALL MOHR, AND
LONNIE SMITH

1 Dated: January 11, 2012

ABRAHAM, FRUCHTER & TWERKSY

2
3 By: /s/ Ian Berg

4 IAN BERG

Lead Counsel and Attorneys for Lead
Plaintiff

5 ST. LOUIS POLICE RETIREMENT
SYSTEM

6 *Filer's Attestation: Pursuant to General*
7 *Order No. 45, Section X.B. regarding non-*
8 *filing signatories, Michael D. Celio hereby*
9 *attests that concurrence in the filing of this*
10 *Stipulation and [Proposed] Order has been*
11 *obtained from Ian Berg.*

12 Pursuant to Stipulation and for good cause shown, oral argument on Defendants' Motion
13 to Dismiss the Amended Class Action Complaint and the Case Management Conference in this
14 action is continued from January 26, 2012 until February 16, 2012, at 1:30 p.m.

15 **IT IS SO ORDERED.**

16 DATED: January 11, 2012

17
18 By: Lucy H. Koh

19 HON. LUCY H. KOH

20 UNITED STATES DISTRICT JUDGE